The VIRGINIA ARGUS.

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RICHMOND:—PRINTED (ON TUESDAYS AND FRIDAYS) BY SAMUEL PLEASANTS, JUNIOR.

FOUR DOLLARS PER ANNUM—PAID IN ADVANCE] TUESDAY, FEBRUARY 10th, 1801. [12½ CENTS SINGLE.

William M'Cay,
Clock & Watch Maker.

RESPECTFULLY informs his friends and the public in general, that he has commenced the above buſineſs in part of the houſe occupied by Mr. James Collet, where he hopes to merit the patronage of his friends and the public.

N. B. A Journeyman and two Apprentices wanted to the above buſineſs.

WANTED,
A Single Man,

As a Tutor for a ſmall number of Children, qualified to teach Arithmetic, & the Engliſh Language grammatically, and who can come recommended for ſobriety and attention, will meet with liberal encouragement. Enquire at the Office of the VIRGINIA ARGUS.

January 15, 1801.

Notice.

ALL perſons having claims on the eſtate of HUGH PATON, deceaſed, are requeſted to bring them forward immediately, as the ſubſcriber will ſettle and finally cloſe his accounts with ſaid eſtate by the firſt day of March next.

JAMES BROWN,
Executor of Hugh Paton, dec.

Richmond, January 20, 1801. 4w.

FOR HIRE,
Four miles above Ground Squirrel Bridge, an experienced
Black-Smith, and two Shoe-Makers.

Charles Crenſhaw,

Hanover, Jan. 16th, 1801. (*2wks.*)

Imported

And for Sale by the ſubſcriber, at the County Wharf,
A general aſſortment of Cologne
Mill-Stones,

From Amſterdam, with Hand Mill-Stones, and German Steel, by
Jeſſe Hollingsworth.

Baltimore, Dec. 27, 1800. 15tf

Burr-Stones.

THE Subſcribers have juſt received a quantity of BURR-STONES, of a very ſuperior ſize and quality, which they offer for ſale at their ſtore, No. 93, Bowley's Wharf,

J. Ogelby & D. Winchester.

Baltimore, Jan. 10, 1801. (tf)

JUST PUBLISHED,
And for Sale at S. Pleaſants' Printing-Office, Richmond,
By the Groſs or Dozen,
CAREY'S Franklin Almanack
FOR THE YEAR 1801.

CONTAINING
BESIDES THE USUAL ASTRONOMICAL CALCULATIONS

1. Table of high water at the principal places in the United States.
2. Population of the United States, according to the laſt cenſus.
3. Standard of American weights,
4. American miles
5. Table of the weight or value of the various coins.
6. Value of foreign monies of account
7. Weight of federal coins
8. Calculations reſpecting human life
9. View of the progreſs of the National debt and Navy of Great Britain
10. The French Calender
11. Stamp Duties payable in the United States
12. Table of the Latitude and Longitude of the places in the United States
13. Political and moral reflections.
14. Federal Courts
15. Courts of the States of New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia and North Carolina
16. Table of roads
17. Yearly meetings of the people called Quakers
18. Directions for brewing ſpruce beer
19. Receipt to cure inflamed eyes
20. For a defluxion in the eyes
21. To cure the pole evil
22. To cure the canker
23. To kill rats
24. To cure froſt bitten feet
25. To ſtrengthen weak eyes
26. To cure the gripes
27. To cure a cold in the head
28. To preſerve apple trees from moſs
29. To preſerve apples
30. To keep crows from corn land

Mr. PLEASANTS,

TO prove the abſurdity of the publication, ſigned *James L. Henderſon*, which appeared in your paper of the 12th December, 1800, the ſubjoined depoſitions and certificates are ſubmitted to the public, by their obedient ſervant,

T. M. WOODSON.

Mr. Cauſby's abſence, together with one or two other reaſons, has prevented their appearing ſooner.

Sometime in October or November laſt, I was called on by Mr. Tucker M. Woodſon to act as a friend for him in a diſpute between Mr. James L. Henderſon and himſelf, which was likely to terminate in a duel. The day was appointed for the purpoſe of carrying into execution their deſign, and the parties accordingly met. Knowing that an old quarrel had been inflamed from a ſuppoſition of Mr. Woodſon's having prevented him from becoming a member of the Maſonic Society, on coming to the ground I expreſſed a deſire to Mr. Charles Lewis (the friend of Mr. Henderſon) purporting a reconciliation: on Mr. Henderſon's diſcovering my inclination he obſerved that nothing ſhort of his being reinſtated would ſatisfy him; to which Mr Woodſon obſerved "that with reſpect to the charge of rejecting of him he ſhould give him no ſatisfaction; however, if he conceived that he had injured him in any reſpect he then ſtood ready to anſwer therefor"—to which Mr. Henderſon replied "that he had been treated amiſs by mr. Woodſon when in Kentucky, by his circulating reports defamatory to his reputation" To which mr Woodſon anſwered, "that he had ſaid in his opinion he was a bad man, which opinion had been formed by his conduct in tranſactions that had taken place between them in Kentucky, though, ſir, continued he, the report which you circulated reſpecting Burnett Henderſon's reputation of itſelf is ſufficient to ſtigma ize you with me—however he had been limited in expreſſing his opinion of him: and even admitting he had ſpoken freely of him, the way that he was then purſuing was not a proper one for obtaining ſatisfaction; that he was willing to ſtate their tranſactions and let the world judge of the injury reſulting therefrom." To which mr. Henderſon objected, ſaying "that would not recall his name from being expoſed to the world." Mr. Woodſon then ſaid, "if you will not be reconciled with the propoſals which I have made you muſt proceed in the way you have appointed." Mr. Lewis and myſelf then began to prepare for fighting—on bringing the piſtols to the ſpot mr. J. L. Henderſon then took me aſide and agreed to accept the propoſals of mr. Woodſon, on my obſerving that I thought there was a remedy for him; however this was without the approbation of mr. Woodſon, or his knowledge ——Furthermore I do ſwear that agreeably to promiſe, mr. Woodſon ſome time after attended in Milton with the ſtatement he had ſaid he would make, which mr. James L. Henderſon refuſed to have diſcuſſed

The above and foregoing is in ſubſtance what paſſed as far as I recollect

MATT. HENDERSON.

Albemarle county, to wit:

Perſonally appeared before me, John Watſon, a Juſtice of the Peace for Albemarle county, Matthew Henderſon, and made oath to the foregoing ſtatements. Given under my hand this 6th day of January, 1801.

JNO. WATSON.

Sometime in November laſt I met in the ſtreet of Milton James L. Henderſon, whom I had in October brought forward as a candidate for initiation in the Lodge of Maſons in ſaid town, who, after ſome chat, expreſſed an uneaſineſs at his not being admitted, and obſerved he knew that it was Tucker M. Woodſon that had debarred him—being anxious to hear how he could have diſcovered that it was mr. Woodſon, I aſked him "if Tucker M. Woodſon had told him ſo," to which he anſwered he did not. Farther, James L. Henderſon after his return from the place where the diſpute that exiſted between him and Tucker M. Woodſon was to have been ended, I underſtood by ſaid Henderſon that ſaid Woodſon and himſelf was to ſtate their tranſactions and let two diſintereſted men judge of them.

JOHN BURKS.

Albemarle, to wit:

Perſonally appeared before me John Watſon, a Juſtice of the Peace for this county, John Burks, and made oath to the above ſtatement of facts. Given under my hand this 16th day of January, 1801.

JNO WATSON.

Sometime in October or November laſt, I rode in company with mr. Matthew Henderſon, James L. Henderſon and Charles Lewis, on their return from the place where a diſpute which exiſted between James L. Henderſon and Tucker M. Woodſon was to have been terminated; on the way between the ground and Milton I underſtood by ſaid Henderſon and Lewis or one of them (without contradiction by either of the others) that the parties had agreed to ſtate the tranſactions that had exiſted between them, and let diſintereſted men judge of the injury that had reſulted from what ſaid Woodſon had ſaid of ſaid James L. Henderſon. Farther, I underſtood by ſaid James L. Henderſon ſometime afterwards that the ſaid Woodſon had made the ſtatement agreeable to promiſe, but that he, ſaid Henderſon had thought proper not to ſtand to a reference, as the ſtatement was in his opinion erroneous, and the ſaid Henderſon further obſerved that the ſaid Woodſon had acknowledged in the preſence of Matthew Henderſon and Charles Lewis, that he the ſaid Woodſon had injured him without a cauſe.

JOHN L. COSBY.

Albemarle county, to wit:

Perſonally appeared before me John Watſon, a Juſtice of the Peace for this county, John L. Coſby, and made oath to the above ſtatement of facts. Given under my hand this 16th day of January, 1801.

JOHN WATSON.

Sometime in October or November laſt I rode in company with mr. Matthew Henderſon, James L. Henderſon and Charles Lewis, on their return from the place where a diſpute which exiſted between James L. Henderſon and Tucker M. Woodſon was to have been terminated—on the way between the ground and Milton I underſtood by ſaid Hendersons and Lewis, or one of them (without contradiction by either of the others) that ſaid James L. Henderſon had acceded to the propoſal of ſaid Woodſon, to wit, to ſtate the tranſactions that had exiſted, and let diſintereſted men judge of the injury that had reſulted from what ſaid Woodſon had ſaid of James L. Henderſon.

GEO. W. CATLETT.

Albemarle county, to wit:

Perſonally appeared before me John Watſon, a Juſtice of the Peace for Albemarle county, George W. Catlett, and made oath to the foregoing ſtatements. Given under my hand this 16th January, 1801.

JNO. WATSON.

Milton, January 15th, 1801.

However oppoſed mr. Tucker M. Woodſon may have been to the admiſſion of mr. James L. Henderſon as a Member of the Milton Lodge of Maſons, we (as officers of ſaid Lodge) do certify, that there was ſufficient objection to prevent his becoming one, excluſive of that ſuppoſed to have been made by ſaid Woodſon.

David Anderſon, *M.*
David Burton, *S.W.P.T.*
Matt. Henderſon, *J.W.P.T.*

Wants Employment,
A Young Man,

Who has been a ſtore-keeper in the country, and can come well recommended. Apply to the printer hereof.

(2‡) *Feb.* 4, 1801.

TO BE SOLD,

For ready money, by virtue of a deed of truſt from David Roſs, Eſq. all that well known and valuable Eſtate, in the county of Montgomery called

FORT-LEWIS,

Containing about 2800 *acres.*

ALSO,
A Highly Valuable
Plantation and Eſtate,

At Goochland Court-Houſe,

Including the Court-Houſe, Tavern, and Buildings, ſaid to contain about
1500 Acres.

The many advantages of theſe two deſirable tracts are ſo well known as to make a deſcription of them unneceſſary.

They will be Sold, at the Eagle Tavern, on Saturday the 28th of February, 1801.

William Hay,
Duncan Roſe, } *Com'rs.*
John Wickham,

Richmond, Jan 28, 1801.

N. B. A miſtake in a former advertiſement prevented the ſale from taking place on the 13th of January, as was intended. It will poſitively be made on the 28th of February.

For Sale at this Printing Office,

A NEW AND MUCH IMPROVED (AMERICAN) EDITION OF
FENNING'S
Univerſal Spelling Book

CONGRESS.

HOUSE OF REPRESENTATIVES.

Wednesday, January 21.

SEDITION LAW.

(Debate Continued.)

Mr. Nicholſon ſaid, had he been a member of the houſe at the time when this bill paſſed, he ſhould have moſt aſſuredly given his opinion that it was unconſtitutional and inexpedient, and all that he had heard or ſeen ſince that period in the various examinations it had undergone, had not contributed to create a doubt in his mind upon the accuracy of that deciſion. It had ever been his opinion that a virtuous adminiſtration, whoſe actions flowed from good motives, required not the aid of a ſtatute to defend it from the attacks of ſlander. The abuſe of the power confided by the people, and not its conſtitutional uſe, could alone fear the ſhafts of reproach, and power thus uſed merited no better fate.

Theſe, Mr. Nicholſon ſaid, were his ideas at the period when the bill paſſed. If its inexpediency was ſo evident to him at that period, how much more ſo muſt it appear at the preſent time? In order to call this to the view of the committee he would bring to their remembrance the proſecutions which had taken place under it during the two years of its exiſtence, from which he could make it plainly appear that the adminiſtration of this law was extremely objectionable.

The firſt fact he noticed was the arrainment, trial and conviction of a member of the houſe, who was committed under the care of a ſevere keeper, to an unwholeſome and loathſome dungeon, and the treatment of that member whilſt in confinement, in all of which were evinced a party ſpirit highly unworthy the character this country ought to bear. The next was the caſe of a printer who was made to ſtand on his trial, but notwithſtanding he pleaded the neceſſity of producing evidence, which he ſtated to be material to his defence, time was refuſed him to produce their attendance. He needed not expatiate, he preſumed, on the rights of every man to demand, when brought before a tribunal of juſtice, time to produce witneſſes material for his defence, or of the duty of the court to grant every opportunity to afford the means of defence; theſe were too evident to be oppoſed. Another inſtance was that of a trial proceeding, wherein important teſtimony was aſked but refuſed, becauſe the perſon required to give this evidence was an high officer of the government. The accuſed was told by the judge that he had no right to that teſtimony.

Another fact had occured in teſtimony, ſtated to be material to the defence, but becauſe it was at a diſtance, time was refuſed to produce it, and the trial and judgment proceeded without it.

Another and more fatal inſtance was that of a printer who died in priſon, where he lay convicted under the law. From a view of all theſe caſes, Mr. N. ſaid he muſt conclude that the adminiſtration of this law was extremely objectionable. Although many of theſe perſons were foreigners, yet they had not the leſs claim upon the juſtice of the country; it mattered not whether they came from the tropics, from the poles, or whether they firſt drew their breath in this country; all men poſſeſſed an equal right of demanding a free and impartial trial, and to all alike it ought to be granted.

It was, and might be farther urged, that this act was only aimed at falſe and malicious libels, tending to defame the government. He granted it, but who were to be the judges? The bench themſelves; they perhaps might be ſubjects of animadverſion, but if not, were the creation of the perſon aggrieved. By them the materiality of the teſtimony which ought to go to the jury was to be judged, and therefore the principle that the truth might be given in evidence was but of little importance, if that truth was not ſuffered to appear.

The gentleman from Connecticut had adduced parts of this law which he ſuppoſed could not be objected to. Mr. Nicholſon admitted that the caſes of inſurrection and unlawful combination againſt the government ought to be provided for, and if the gentleman had propoſed a reſolution for the continuance of thoſe parts he would not have objected. No, the objectionable part was that which the people of the country had ſaid, ought not to have been enacted—that part which ſtifles every inveſtigation into the affairs of government. It was certainly true, that the exiſtence of this law forbade enquiry into the affairs of the government, for who would dare ſcrutiniſe the conduct of men in power, when they apprehend that they would be afterwards handled by a court and jury ſo unlikely to do impartial juſtice to them? It muſt prevent men ſaying what they think, much leſs what they know.

What, he aſked, had the government to fear from untruth? The publication of falſehood muſt carry the evidence of its own infamy, and would undoubtedly meet its due appreciation. The characters of public men, in whom the people of this country had been wont to repoſe confidence, need not ſhrink at the apprehenſion of the publication of falſehood.

He concluded by expreſſing his regret that this ſubject ſhould again be called up to irritate the Houſe; he wiſhed not to have ſaid any thing upon ſo unpopular a ſubject, but as it had been introduced, he muſt inform the committee the reſolution ſhould have his moſt decided negative.

Mr. Bayard ſaid that after what had fallen from gentlemen, who oppoſed the revival of the Sedition law it became neceſſary for its former friends to ſupport it in their own juſtification.

He thought from a conſideration of the nature of the law and the crimes it was intended to puniſh, viz. falſe, ſcandalous and malicious libels, it was ſurpriſing it ſhould meet with any oppoſition. Is it, he ſaid, no crime falſely and maliciouſly to aſperſe the government of the country? From the enormity of the offence and the extent of the injury it was neceſſary to make examples of ſuch offenders in order to deter others. Were he in a deſpotic country he would feel but little anxiety about this ſubject, but in this country we ſtand on different grounds. Our governments depend much upon the opinion of the people To miſlead or corrupt public opinion is to ſap the pillars which ſupport the government and produce its ruin.

Gentlemen ſay and pretend to think there is no neceſſity for a law of this kind; that the good ſenſe of the people will prevent the evils apprehended from falſe publications. It is however found that the moſt intelligent are deceived in this way. When falſehoods are ſtated in newſpapers as facts and remain uncontradicted, what chance is there for their not being believed? The gentleman from Maryland, (Mr. Nicholſon) was himſelf ſo far deceived and deluded that he ventured to ſtate to the committee one of thoſe aſſertions as a fact. This is adduced to ſhew in a ſtrong point of light the neceſſity for ſuch a law. Mr. B. had as much confidence as other gentlemen in the good ſenſe, integrity and patriotiſm of the people when not miſinformed. To prevent this is the object of the law; that newſpapers may thus be made the channels of truth, puniſhment is only to be inflicted when known falſehood is maliciouſly publiſhed. Can this be called no crime? Can any one ſay a man may falſely, wickedly and maliciouſly publiſh things with a view to deſtroy the government and yet not be amenable to juſtice?

It is allowed that government has power to puniſh inſurrections and even combinations to prevent the execution of the laws. If this may be done ſhould not the inſtruments of inſurrection and illegal combinations alſo be puniſhed? May we not ſtrike at the root of the evil? May not falſe publications produce inſurrections? In his opinion, there would have been no inſurrection in this country, had it not been for the publication of falſe, ſcandalous and malicious libels. Unleſs provided againſt, the time may come, when the country will be deluged with evils occaſioned by ſuch falſehoods.

The gentleman from Virginia, (Mr. Nicholas) oppoſed the law as eſſentially wrong both in theory and practice. Mr. B. then entered on a review of the caſes in which it had been carried into practice Reſpecting Callender's trial he knew but little. The doctrine advanced by the court was a very alarming one in the opinion of the gentleman from Virginia. The jury had a right to decide upon the law and the fact, but not upon the conſtitutionality of the law, the judge was therefore authoriſed in prohibiting any argument on that point.

He then took a view of the caſe, in which it was ſaid, an honorable gentleman of that houſe, had been fined in a large ſum and confined in a loathſome dungeon. What, he enquired, was the object in mentioning that caſe? A libel was publiſhed againſt the government, a jury of the country declared it to be falſe, ſcandalous and malicious; and yet the puniſhment is complained of as a hardſhip. As well might we be told of hardſhip when a felon ſuffers for his crime; or that it was hardſhip when a vote was taken for expelling the honorable gentleman from this houſe.

Will you ſay that the judge and jury were corrupt? This houſe by a vote ſanctioned their deciſion. He was convicted by a fair trial, and if the court did wrong ſo did this houſe. If the court acting under oath entered ſo far into party prejudices as to neglect their duty why not impeach the judges? It is improper to cite theſe authorities when the judges cannot juſtify themſelves. This is a caſe of real hardſhip. Why do not gentlemen come forward and impeach the judges if they have done wrong? They are not above the juſtice of the country. It would be adminiſtered even againſt them. They are ſaid to be under party prejudices. Mr. B believed they could be truſted. He never ſuſpected them of doing wrong, full evidence ſhould be adduced of it prior to its being believed. Will gentlemen ſay there is no chance for an impeachment, becauſe a majority in both houſes are biaſed by the ſame party prejudices? What is the amount of this argument? Thoſe who think with me are impartial; thoſe who differ from me are under party prejudice, Mr. B. believed the gentlemen oppoſed to him ſincere in their intentions. He alſo believed the judges were ſincere, that they had been correct in their principles. He was warranted in what he ſaid by the charges made againſt them being groundleſs.

The charges delivered by the judges have been complained of. The object of the charges has been to inculcate a love of order and good government. This might be party prejudice in the opinion of ſome gentlemen, if ſo he muſt ſtill applaud the judges.

It is ſaid, the law is unconſtitutional. He thought a ſound mind might be intuitively convinced of the contrary. If ſuch a law is neceſſary to preſerve and continue the conſtitution, it is conſtitutional. It is neceſſary to defend the government from the attempts of aſſaſſins. If you allow the government to be brought into contempt, the conſtitution will become a baſeleſs fabric and in time will vaniſh away. The right to make ſuch a law he thought was clearly and expreſsly given in the 8th ſection of the 1ſt article of the conſtitution, which ſays, Congreſs ſhall have power "To make all laws which ſhall be neceſſary and proper for carrying into execution

on the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department of or officer thereof." In his opinion the law is so essentially necessary, that without it the government would be paralized and stripped of all defence. He thought it unnecessary to trouble the house with farther argument as those offered were sufficient in his opinion, he knew of no stronger ones.

Mr. B was of opinion, that if this law is permitted to expire, the common law will be in force, by which fine and imprisonment are unlimited and truth is not allowed to be given in justification. By some it is denied to be the law of the land. It ought to be remembered that the common law is the parent not only of the liberty of this country but of England and all Europe. How differently, he said, we feel from what our ancestors did who were ready to spill the last drop of their blood in its defence!—To the common law we owe the trial by jury and many other rights; yet it is reprobated. Is it not the boast even of Virginia? Was it not objected to the constitution in the Virginia convention that it did not recognize the common law? The constitutions of all the states are predicated on the common law, which is made up of the rules of right reason founded on the experience of ages. If courts are not bound by the common law they must be governed by their own arbitrary will. If common law is not binding there is no law and gentlemen surely cannot dream of liberty without law. If we are governed without law, it is despotism, whether government is by the will of one or many. Were we left to the will of courts we should be in a state of uncertainty. We should be liable to suffer from caprice, vice, folly and every weakness. The existence of the common law is of immense importance, without if the constitution would be a mere skeleton devoid of sinews and nerves and incapable of motion.

Gentlemen seem to suppose they have started an insuperable difficulty by asking what period you will fix on for taking the common law, and with or without the modifications of different statutes.

He would take it as taken by the states, with no more difficulties than our ancestors took it. It was no difficult matter to draw the line. He would take it at the adoption of the constitution as modified by the statutes of the states. What objection could be made to this? Was there more cause of alarm at its being adopted by the United States courts than in the courts of the different states, where they love the common law. They cannot surely object to it as it is dispensed in all the courts.

To paralize the general government and confine all power to the state courts is a system invariably pursued by some gentlemen on this floor. He was not therefore surprised that they should wish it not to be the law of the courts of the United States. We must however, have one of the two alternatives; take the common law or have no law. The courts must be either despotic or bound by the common law.

If a government were given to this territory and a judiciary established, it would be under the common law. Whenever a constitution is formed it is bottomed on the idea of the common law being in existence. The ancient opinion was that the common law was the law of the United States. Now judges are called despots for deciding by it. This is the novel opinion which should be scouted from the floor of the house.

Mr B referred gentlemen to the XIth article of the amendments, to the constitution, which says, "No fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law." Here the existence of the common law is recognised, unless the article is without meaning.

Suppose a man convicted of treason and a motion made for a new trial, must not the determination be by the rules of common law?

In the 3d section of the 1st article of the constitution after defining the extent of judgment, it is said; "but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." It could be only the common law here referred to.

In cases of impeachment how would Senators form their opinion, the constitution has given no direction, as to the manner of conducting them? The common law only could direct.

Persons can be impeached only for offences against the United States. After conviction they may be punished by law, certainly the common law and that part of it which relates to criminal cases

Again in the same article felony and breach of the peace are spoken of—how are these to be defined? Only by the common law. In defining a breach of the peace there are many nice distinctions.

Mr. B said he could cite many other cases but they were not necessary. He would however refer gentlemen to the opinions given in the course of legislation, which was a fair mode of construction.

Those who first had the government of the United States in their hands proceeded upon the opinion that the common law was the law of the land. In one place they recognize the right of common law remedy. In the act establishing the Judiciary they say "The circuit courts shall have concurrent jurisdiction in all suits at common law."

Mr Bayard concluded by saying, If I am correct in my position that the common law is the law of the land, the sedition law ought to be continued; because it limits and softens the penalties in cases of libels, which are very harsh according to the common law. The gentleman from Virginia has rightly appreciated my motives in wishing to renew this law, when a different administration is to take charge of the public welfare.

Mr. Gallatin said it had been his intention not to rise again on this subject, but as the gentleman from Delaware had said that if this law is not continued in force the common law will be the law of the land, he would make a few observations. As to the constitutionality of the law; it is alledged to be necessary for carrying into operation certain defined powers of the constitution. Surely this law cannot be necessary to carry into effect these defined powers if the common law will remain in existence according to the gentleman's opinion He rests much upon the necessity of it to protect the government from slander. Mr. G. supposed the evils arising from this source were not so much to be dreaded as those which would result from the attempt to punish slander. He wished to know what a false, scandalous, and malicious libel is. If punishment could be confined to those only who published as facts what was unsupported by truth, he would not think the law improper. It could not, however, be denied, that recourse must be had merely to the opinions of the judges respecting things of very difficult definition.

The gentleman from Delaware had entered largely into the discussion of what had never been denied that the common law is in some measure the law of the land. But after he had paid every encomium to the common law he allowed it to be harsh in respect to libels.

The sedition act says truth shall be given in evidence; the gentleman supposed, that without that provision the judges would be bound to decide by the common law. He thinks too, that it has gone farther by allowing the jury to determine the law and the fact as in other cases. This supposes they had not this right before. Then as to libels the common law is contradictory to its usual allowance.

In a cause of this kind in England a judge gave it in charge to the jury that they were only to enquire whether a certain paper was printed and published by the accused. As well might he in a case of murder tell them that they were only to enquire whether the accused had killed the man without any attention to the criminality of his intention.

Mr. G. did not think the courts of the U. States would at once assume jurisdiction over libels according to the common law in case this act was not revived.

The gentleman from Delaware had mentioned the case of a member of this house who had been punished under the Sedition Law, and considered the vote given for his expulsion as a sanction of the decision of the Judge and Jury. In such instances the constitution declared that two-thirds were necessary for a decision—This was provided on the principle that such might be the prevalence of party spirit, that a majority would agree to expel without well-grounded reasons. The vote was, therefore, a nullity, as two thirds did not agree to it. Mr G. considered laws of this kind as the means of introducing party views into courts of justice; and that it was only in such cases that any danger of partiality was to be apprehended. Here it is to be apprehended, unless you can suppose judges become different men merely by being placed on the bench. It is also certain that the jury must be composed of one or the other party, and is therefore incompetent to decide upon opinions. He did not suppose them intentionally doing wrong. He asked if any gentleman in the House would be willing to be tried for a libel by a jury chosen from the members of it who are of different political opinions. He confessed he would not.

The gentleman from S. Carolina had said, that in a certain trial the judge had permitted a book or newspaper to be read, altho' it was not legal evidence. This shews that the accused was at the mercy of the judge, since he could not claim it as a right.

The same gentleman had spoken of the impropriety of the president being summoned as a witness. Suppose a person is accused of having written and published a false and malicious libel, in which he states that the president has expressed certain opinions; on the trial he says, I will prove the truth of my assertions—How is it to be done? By printed declarations? No, that is not legal evidence. He cannot summon the president. Thus though truth be on his side, he cannot give it in evidence. This shews how difficult it is to carry such laws into effect without oppression. Thus the provision that truth may be given in evidence is rendered useless.

Finally it is said that as it is upon public opinion our government depends, the public opinion should be guarded from corruption. What, he asked, is meant by saying the government depends upon public opinion? Surely, it is not intended to mean, whether there shall be a government or not. It can only relate to the persons who administer the government. It depends wholly on the public opinion, who shall administer the government, but not whether there shall or shall not be a government.

Mr G. contended that the common law is modified by different governments. To suppose that truth should not be given in evidence was inconsistent with the nature of our government, and if this law did not exist, the common law would be thus modified in this country.

If the existence of this law had been found to correct public opinion it would be well to continue it. In this country, he said, opinions were divided between two sets of men, and the people will vote for those who they conceive will best answer their views. Mr G. could not see how this law would correct or render pure the channels of information if only certain kinds of libels were punished How he asked has it been executed? Only by punishing persons of politics different from those of the administration. It has not prevented the corruption of public opinion, according to the explanation which the gentlemen in favor of the law have themselves given of those words. If the sedition law was adopted only as part of the defensive measures it is no longer necessary.

(To be continued)

Friday, January 30.

A bill incorporating a Mine and Metal company was read a third time, and passed.

On which the Yeas & Nays, were taken, and were Yeas 50, Nays 44.

A memorial from sundry clerks praying for an increase of salaries, the petition of Thomas Harris, the petition of Mary Hay, &c.—The petition of Francis Trowin; were referred to the committee of claims; The petition of Lawrence Erb, late collector of revenue in Northampton, praying to be relieved from confinement for having converted public monies to his own use, was referred to Messrs. R. Brown, Thatcher and Kitchell.

Several petitions in relation to new post roads were referred.

A message was received from the President, with a representation, from the commissioners, of the state of affairs of the City of Washington, and referred to the committee appointed to enquire into the conduct of the commissioners.

A resolution passed instructing the post-office committee to enquire into the expediency of establishing a post-road from Pittsburg to Detroit.

The House ordered to a third reading the bill making Bedford, Pepperelborough and New-Bedford, Massachusetts, ports of entry for vessels arriving from the Cape of Good Hope, or from places beyond the same.

Messrs. Harper, Gregg, Livingston, Dana and Evans were appointed a committee to enquire and report by bill or otherwise whether it is expedient so to amend the several acts concerning the naturalization of foreigners in the U. States as to admit the benefits of the act on that subject passed Jan. 29, 1795, persons whose situation would have enabled them, before the passing of the act of June 18, 1798, to make declaration pursuant to act of Jan. 29, 1795, of their intention to become citizens of the U. States, but who omitted to do so, and have constantly been residents of the U. States, or to report on expediency of repealing act of June 18, 1798.

To the same committee it was referred to enquire into the expediency of amending the act of June 1798, and to repeal the act heretofore passed, so as to admit aliens who were residents within the limits of U. S. before Jan. 29, 1795, and who have continued to reside as aforesaid, to become citizens of the U. States.

Monday, February 2.

Mr. Gregg observed that a report had gone abroad, which he believed to be true, that a number of very valuable and important books and papers belonging to the departments of War and of the Treasury, had lately been destroyed by a fire, which unfortunately had quite ruined one of the houses, and greatly injured the other, in which these offices were kept. It appeared to him highly necessary and proper, that Congress should know, as far as it could be ascertained, the extent of that destruction; and how the settlement of public accounts would be affected thereby. He believed the best method of obtaining this information, would be to call on the heads of these departments, for an official statement of the knowledge they have, or may be able to acquire on the subject. For this purpose he would move a resolution in the following words:

Resolved, That the Secretaries of War and the Treasury, be directed to communicate to this house, such information as may be in their power in relation to the destruction of official books and papers in their respective departments, by fire; designating particularly what description of books and papers were lost, and what the probable effect of such loss will be, in the adjustment of the unsettled accounts of the United States.

Motion carried.

A motion was made to postpone the consideration of the bill for the government of the district of Columbia to the third day of March next. This motion was supported by Messrs. Smilie and Macon, and opposed by Messrs. Rutledge, Craik, Lee and Bird. The motion was withdrawn without a question being taken, and the house resolved itself into a committee of the whole on said bill.

A motion was made by Mr. Smilie, to strike out the first section of the bill. This motion was supported by Messrs. Smilie and Macon, and opposed by Mr Dennis. The committee rose without taking a question, reported progress and asked leave to sit again.

Tuesday, February 3.

The house resolved itself into a committee of the whole on the bill for the government of the district of Columbia, when the question was taken on the motion made yesterday for striking out the first section and negatived ten members only rising for it.

Mr. Gregg then proposed an amendment to the first section, the object of which was to make the election of representatives annual, instead of biennial as contemplated by the bill. This motion brought on a lengthy discussion, being supported by Messrs. J. Smith, Claiborne, Nicholas, Gallatin, and Macon; and opposed by Messrs. Craik, Harper, Bayard, H Lee, Thomas and Dennis—On the question for agreeing to the motion, it was determined in the negative, 48 voting for it and 50 against it.

A motion was then made by Mr. Claiborne so to amend the first section as to extend the privilege of voting to persons who are not freeholders; that privilege being confined by the bill to freeholders exclusively. This motion brought on a short argument, in which Messrs. Kitchell, Nicholson, Smith, Macon, Tazewell and Nicholas supported the motion, and Messrs. Harper, Craik, Dennis and Gallatin opposed it. On the question that the house agree to this motion, it was determined in the negative, there being 48 votes for it and 50 against it.

FEATURES of a bill reported by Messrs. H. Lee, Evans, Craik, Bird, S. Lee, Goodrich and Dennis,

For the Government of the District of Columbia

1. A legislature is to be established, to consist of a Senate and House of Representatives.

2. The district shall be divided into two precincts, one on the west, the other on the east side of the Potomac.

3. *The House of Representatives* shall consist of fourteen members, seven resident in the Eastern, and seven in the Western precinct, chosen for two years, by citizens of the United States resident 12 months in the district, and one month in the precinct of the United States, who are freeholders

The qualifications of a member of the House of Representatives are, being 25 years of age, being a citizen of the United States, resident in the district for twelve months, and in the precinct for one month and being a freeholder therein.

4. The *Senate* shall consist of six members, three resident in the Eastern and three in the Western, precinct, chosen for six years.

The qualifications of a Senator are, being thirty years of age, being a citizen of the United States, resident in the district for twelve months, and in the precinct for one month, and being a freeholder therein.

The Senators are to be chosen by eight electors, four whereof to be elected by the citizens of the Eastern, and four by the citizens of the Western precinct, which electors shall have the same qualifications as members of the House of Representatives, and who shall be elected by the same citizens who vote for members of the House of Representatives.

The Senate to be divided, at the organization, into three classes, one of which is to be replaced every second year.

5. The members of the legislature to be compensated by the district.

6. A Governor shall be appointed by the President of the United States for three years, unless sooner removed.

The Governor shall be a citizen, and thirty five years of age.

He shall appoint all officers erected by the legislature of the district.

He shall have a veto upon the passage of all laws; and if after his disapproving a law, it shall be repassed by two thirds of each house, he shall lay the law before congress to be acted upon by them.

7. The Governor, members of the legislature, and electors, shall be prohibited from holding any office under the United States, or any state.

8. Taxes, excepting excises, imposts and tonnage duties, may be layed by the legislature; but no law shall be passed for taxing the district for opening, paving, repairing, improving, lighting or regulating the streets, in any town or city within the district.

9. Two sheriffs shall be appointed annually by the governor, one from the Eastern and one from the Western district, who besides the ordinary duties of sheriffs, shall hold & be judges of all elections.

10. The judicial power of the district shall be vested in two superior, and two inferior courts, the judges to be appointed by the President, to be paid by the U. States, and to hold their offices during good behaviour

11. The laws of Virginia and Maryland, as they now exist, shall remain in force, as far as the same may be consistent with the motives of the cession by said states.

12. The legislature may pass all laws needful for the government and police of the district, repealable or alterable by Congress, who may make any law, which shall be supreme.

13. A governor shall be immediately appointed.

14. The election of the members of the legislature shall be held on the first Monday of April, and the legislature shall convene at Washington on the first Monday in June.

ALMANACKS.

A few gross of the Virginia Almanack for this year are still on hand at this Office.

PAPERS
Relative to the commencement of NEGOCIAIONS OF PEACE, BETWEEN FRANCE AND GREAT-BRITAIN.

(Continued from our last)

No. 38.

To Mr. Hammond.

Downing street, Sept. 24, 1800.

Sir,

M. Otto having been empowed by the French government to negociate a convention for an armistice between this country & France, with a view to negociations for a general peace: and having expressed an earnest desire to enter into verbal explanations on this subject with some person properly authorized on his majesty's part, the king willing to omit nothing which can contribute to the great work of restoring solid and permanent tranquility to Europe, has been pleased to make choice of you for the purpose of meeting M. Otto, and of receiving from him such verbal communication as he may wish to make in addition to what has already passed in writing respecting the different projects proposed on either side for a naval armistice.

This letter will point to you the reasons which induce his majesty to consider M. Otto's second project as unsatisfactory in all the material points which it differs from the counter project prepared here by his majesty's command.

You will state to M. Otto, his Majesty's decision in this respect, and you will enter without reserve into the discussion of the grounds on which it rests. His Majesty has no other object in view in this transaction than to contribute to the restoration of general peace. He is not willing for this purpose, to sacrifice some present advantage, in the opinion that by so doing he consults the permanent interests of his people; but he can neither consent, at the opening of a negociation for peace to place himself in a condition of inferiority to his enemies, such as the result of the war in which he is engaged by no means warrants, nor does he think that the object of peace itself would be promoted or accelerated by rendering the intermediate situation of his enemies, under color of an armistice, such as they might be desirous to prolong, rather than to terminate it by admissible conditions of peace.

His Majesty sees, in the last projet of the French government, little progress towards an accommodation; it is indeed stated in M. Otto's letter to me of the 21st inst. that satisfactory explanations are there given on the two most important points which had been insisted on by his Majesty

The admission of his majesty's allies to partake in the same terms of the armistice in which France claims to include her allies, is indeed not only an important, but an indispensible condition of any such agreement; but there can be no ground for representing this equal and unnecessary arrangement as a concession on the part of France, rather than on the part of his majesty.—And with respect to the other point stated by M. Otto, (that which relates to the French ships of war) the offer of France still falls very short both of the king's demand, and of what would be necessary even to assimilate the naval armistice to that of the continent. The article in its present shape is therefore so far from containing any facility which could soften or remove the other obstacles in the way of an amicable conclusion of this business, that it must still be regarded in justice as an unequal and inadmissible claim on the part of the king's enemies.

On other points of less importance, the new projet adheres to the former demand, and even in one instance, brings forward a fresh pretension, which had not before been stated.

In examining in detail the several articles of the proposed convention, some verbal differences between the English counter projet and second French projet, are not intended to be here adverted to.

If the more important points of the negociation were satisfactorily adjusted, it would be necessary to make some remarks on these, and possibly also to propose, for the sake of precision, a few verbal alterations or additions to the original articles: but none of these appear likely in that case to create any serious difficulty.

It might be sufficient to include under this reserve the two variations made in the preamble of the convention.

But it may perhaps be more proper for you to state at this time the following observations respecting them, viz:

1. That the mention of respective allies, in the form in which these words are introduced in the French preamble, seems to imply of necessity not only that the negociations shall (as is the King's intention) be carried on with a view to a general peace alone, so as to include in the final adjustment of all parties on both sides, but also that those allies should immediately be called upon to take part by their ministers in the proposed negociations: a question which his majesty conceives may more conveniently be reserved to future discussion, instead of being prejudged by the terms of any separate agreement for an armistice between Great Britain and France.

2. The expressions used in the French projet respecting the continental armistice appear unbecoming towards the king's allies, and cannot therefore be agreed to by his majesty.